

# **APPENDIX B**

## **Proposed Protective Zoning By-Law**

### **Section 1: General Provisions**

### **Section 2: Basic Requirements for All Districts**

### **Section 3: District Regulations**

### **Section 5: Off-Street Parking and Loading**

## **1. GENERAL PROVISIONS (Revised 11-01-05)**

### **1.1. Authority and Title**

This Bylaw is adopted in accordance with and pursuant to the provisions of M.G.L., c.40A, as amended. This Bylaw shall be known and may be cited as the Zoning Bylaw of the Town of Shirley, Massachusetts.

### **1.2. Purposes**

The purposes of this Bylaw include, but are not limited to, the following: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town, including consideration of the Master Plan adopted by the Planning Board, the Shirley Open Space and Recreation Plan and the Comprehensive Plan of the Montachusett Regional Planning Commission; and to preserve and increase amenities by the promulgation of regulations to fulfill these purposes under the provisions of M.G.L. c. 40A.

In accordance with these purposes, the use, erection, establishment, movement, repair, alteration, enlargement, height, appearance, location and occupancy of buildings and structures, and the uses and occupancy of premises in the Town of Shirley are hereby regulated and restricted as hereinafter provided.

### **1.3. Planning Board Associate Member**

Per M.G.L. c. 40A, Section 9, the Shirley Planning Board, as it is a Special Permit granting authority, shall have one associate member who shall sit, when necessary, on the Board for the purpose of acting on Special Permit applications. This position will be filled by the general election at the Annual Town Meeting and the term shall be for two (2) years.

### **1.4. Zoning Districts**

The Town of Shirley is hereby divided into the following classes of districts to be known as:

R-R	Rural Residential
R-1	Residential-1
R-2	Residential-2
R-3	Residential-3
SV	Shirley Village Business District
NSV	North Shirley Village Business District
GRW	Great Road West Mixed-Use District
GRE	Great Road East Mixed-Use District
LRC	Lancaster Road Commercial
I	Industrial

### **1.5. Overlay Districts**

The following overlay districts are hereby established:

FP	Flood Plain
Z1	Water Supply and Wellhead Protection
Z2	Water Supply and Wellhead Protection

### **1.6. Zoning Map (Revised 11-01-05)**

The location and boundaries of the zoning districts are hereby established as shown on a map entitled, "Town of Shirley, MA Zoning Map – Districts and Town of Shirley, MA Zoning Map – Overlay Districts, dated November 1, 2005", which accompanies and is hereby declared to be part of this Bylaw. All explanatory legend and memoranda thereon or attached thereto are hereby declared to be a part of this Bylaw. Any change in the location of boundaries of a zoning district hereafter made through the

amendments of this Bylaw shall be indicated by the alteration of such Map, and the Map, thus altered, is declared to be a part of the Bylaw thus amended. A composite "Zoning Map" shall be prepared at a large scale with ink on stable material and shall be located in the office of the Planning Board.

Official copies of the Zoning Maps are on file with the Town Clerk.

## **1.7. Boundaries of Districts**

- 1.7.1. Where a district boundary line is shown as following a street, railroad or utility, the boundary shall be the centerline thereof as said line existed at the date of the Zoning Map unless otherwise indicated.
- 1.7.2. Where a boundary line is shown outside of a street, railroad or utility and approximately parallel thereto, the boundary shall be deemed parallel to the nearest line thereof, and the figure placed on the zoning map between the boundary and such line shall be the distance in feet between them, as measured at a right angle from such line unless otherwise indicated.
- 1.7.3. Where a boundary line is shown as following a watercourse, the boundary line shall coincide with the centerline thereof as said line existed at the date of the Zoning Map.
- 1.7.4. Where a boundary line shall include a numerical figure followed by the letters M.S.L., it is at that number of feet above Mean Sea Level. The source for determining such a line shall be the United States Geological Survey as interpreted by the Building Inspector/Zoning Enforcement Officer or by subsequent field surveys.
- 1.7.5. Where a boundary line is indicated as a property or lot line and the exact position of such line is not defined by measurements, the true location thereof shall be taken as the boundary line as said line existed at the date of the establishment of such boundary line.
- 1.7.6. Where the location of a boundary line is otherwise uncertain, the Building Inspector/Zoning Enforcement Officer shall determine its position in accordance with the distance in feet from other lines or bounds as given or as measured on the zoning map and good engineering practice.
- 1.7.7. Boundaries of the Flood Plain District are shown and set forth in the Shirley Flood Insurance Rate Map (FIRM), dated July 5, 1983, or as subsequently revised, on file in the Planning Board Office.

## **2. BASIC REQUIREMENTS FOR ALL DISTRICTS (Revised 11-01-05)**

### **2.1. Uses; General**

- 2.1.1. No building or other structure shall be erected and no building, structure, or land shall be used for any purpose or in any manner other than as regulated and permitted in this Bylaw.
- 2.1.2. Uses allowed by the Planning Board, Board of Appeals or any other Special Permit Granting Authority (SPGA) authorized by this Bylaw, shall be in conformity with all use, density and dimensional regulations and any other pertinent requirements of this Bylaw, as set forth in the applicable regulations for each district and Section 8.
- 2.1.3. A building, use or structure not specifically permitted shall be deemed prohibited, except for uses that may not be regulated by zoning under M.G.L. c.40A, Section 3.

### **2.2. Prohibited Uses**

- 2.2.1. In any district, no use will be permitted which will produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, biohazardous, hazardous or toxic materials, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the Town.
- 2.2.2. The following uses are explicitly prohibited in the Town of Shirley:
  - a. Drive-through food service establishments, unless specifically identified as a Special Permitted use in a Commercial or Industrial District
  - b. Parks for mobile homes, travel trailers, tent trailers
  - c. Auto dismantling, junkyards
  - d. Garbage and refuse incineration or disposal otherwise of material not originating on the premises or solid waste recovery facilities, except municipal recycling facilities;
  - e. Distillation of bones, rendering of fat or reduction of animal matter
  - f. Slaughterhouses
  - g. Manufacturing of glue; oil refining; bulk storage of petroleum products
  - h. Foundries, manufacture of large machine parts
  - i. Tanneries
  - j. Processing, storage and distribution of asphalt products
  - k. Sorting, baling and storage of waste paper, rags or junk
  - l. Sand, gravel and stone processing plants
  - m. Airports
  - n. Transportation or freight terminals
  - o. Truck stops

## **2.3. Uses Permitted in All Zoning Districts**

- 2.3.1. The following uses are permitted as of right in all districts subject to the dimensional, density and use intensity regulations of the districts in which they are located, and to Site Plan Review under Section 7 of this Bylaw:
- a. Use of land or structures for religious purposes
  - b. Use of land or structures for public or non-profit private educational purposes
  - c. Child care or day care center as defined in M.G.L. c.28A, Section 9
- 2.3.2. Agriculture as defined in M.G.L. c.128, Section 1A, is allowed as a matter of right on more than five acres of land.
- 2.3.3. A farm stand associated with an agricultural use on more than five acres of land, or a farm stand associated with an agricultural use on five acres or less in areas zoned for agriculture, is permitted in accordance with M.G.L. c.40A, Section 3 in all zoning districts.
- 2.3.4. Municipal uses are allowed in any zoning district when authorized by a two-thirds vote of Town Meeting. Any building or structure for an approved municipal use shall meet all applicable dimensional, density, and design requirements of the district in which it is located and shall be subject to Site Plan Review under Section 7 of this Bylaw.

## **2.4. Nonconforming Uses, Structures and Lots**

- 2.4.1. Any use or structure lawfully existing at the time of the adoption of the Shirley Zoning Bylaw or any amendment thereto and any use or structure lawfully begun, or as to which a building or Special Permit has been issued, before the first publication of notice of the public hearing on such Bylaw or any future amendment thereto may be continued or completed although such structure or use does not conform to the provisions hereof or of such amendment, provided that:
- a. Construction or operations pursuant to such building or Special Permit shall conform to the provisions of this Bylaw as amended unless the use or construction is commenced within a period of six (6) months after issuance of the permit and, in cases involving construction, unless such construction is completed as continuously and expeditiously as is reasonable;
  - b. Any conversion of any non conforming use to a conforming use shall be subject to the requirements for such uses in the district in which the use is located and once changed shall not thereafter revert to the non conforming use;
  - c. Wherever a non conforming use has been abandoned for a period of more than two (2) years, except for agricultural, horticultural or floricultural where the period shall be for more than five (5) years, it shall not be reestablished and any future use shall conform to the Zoning Bylaw and any amendment thereto;
  - d. No building or structure put to a non conforming use or non conforming structure which is destroyed or damaged by fire or other causes, or demolished to the extent, in any of such cases, of more than three-quarters (3/4) of its fair market value at the time of said damage or demolition as determined by the Building Inspector may be rebuilt for the purpose of reestablishing the non conforming use, unless the Board of Appeals shall make the finding set forth in Section 9.2.3 below with respect to such reconstruction or repair;
  - e. Any reconstruction or repair of a partially destroyed, demolished or damaged structure which is non conforming, or which was put to a non- conforming use must be commenced within one year of such damage or destruction and the reconstruction completed and the structure occupied within two (2) years of such damage or destruction.
- 2.4.2. A residence in a district where residences are permitted, but on a non conforming lot, may be reconstructed, altered or repaired without change in the lot size, provided that such alteration, reconstruction, extension or structural change does not increase the non conforming nature of such structure.
- 2.4.3. Any other non conforming structure or use the change or alteration of which is not otherwise permitted as a matter of right by the provisions hereof, may be extended, altered, reconstructed or repaired, provided any such extension shall not exceed twenty-five percent (25%) of its area on said lot as of June 16, 1988, and that in each case the Board of Appeals, in accordance with the procedures of Section 9.2.3 hereof, shall find that such extension, alteration, reconstruction or repair is not substantially more detrimental to the neighborhood than the existing non conforming structure or use.
- 2.4.4. Notwithstanding anything contained herein to the contrary, such expansion of a structure or use permitted hereunder must be physically located within the perimeter of the lot as said perimeter existed and upon which the non conforming structure or use was situated on the date the structure or use originally became non conforming.

## **2.5. Accessory Uses**

Accessory uses shall be on the same lot with the building of the owner or occupant except as otherwise provided herein, and shall not alter the character of the premises on which they are located nor impair the neighborhood.

- 2.5.1. Residential Accessory Uses. The following accessory uses are specifically permitted as of right or by Special Permit:
- a. Family day care homes. Licensed family day care homes as defined in M.G.L. c.28A, Section 9, are allowed as an accessory use as of right in all districts in which detached single-family dwellings are a permitted use. Where detached single-family dwellings require a Special Permit, family day care homes may be approved by Special Permit from the applicable Special Permit granting authority.

- b. Accessory apartments. In all residential districts, one accessory apartment is allowed in a detached single-family dwelling by Special Permit from the Board of Appeals, subject to the requirements of Section 4.5.
- c. In-law accessory apartments. In all residential districts, one in-law apartment is allowed as of right as an accessory use to a detached single-family dwelling, provided the apartment meets the requirements of Section 4.10.
- d. Boarders in single-family dwelling. The renting of rooms and/or furnishing of board to not more than one person in a single-family dwelling by the owner/occupant thereof shall be a permitted accessory use in the residential and village business zoning districts. The renting of rooms and/or furnishing of board to more than one person in a single-family dwelling by the owner/occupant thereof shall be deemed a rooming or boarding house, which is a principal use, not an accessory use.
- e. Private garage or carport for not more than four vehicles, solar system, greenhouse, toolshed or barn; swimming pool or tennis court, provided that such recreational facilities are used exclusively by the residents and their guests.

2.5.2. Nonresidential Accessory Uses

- a. Any use permitted as a principal use is also permitted as an accessory use provided such use is customarily incidental to the main or principal building or use of the land. Any use authorized as a principal use by Special Permit may also be authorized as an accessory use by Special Permit provided such use is customarily incidental to the main or principal building or use of the land. Any use not allowed in the district as a principal use is also prohibited as an accessory use. Accessory uses are permitted only in accordance with lawfully existing principal uses. In all instances where site plan review and approval is required for a principal use, the addition of any new accessory use to the principal use, where such addition exceeds the thresholds established in the applicable use or dimensional regulations of the district or in Section 7, Site Plan Review, shall also require site plan review and approval.
- b. Truck or trailer cleaning or washing, provided that the truck or trailer is necessary for the conduct of the principal commercial or industrial use.
- c. An employee food service area established exclusively to serve employees of the principal use.
- d. Facilities for training employees of the principal use.
- e. The outdoor display or storage of goods and merchandise for sale is permitted only when such display or storage is wholly incidental and secondary to the primary use conducted within the permanent structure on the lot. No such display or storage may occur in delineated parking spaces, traffic lanes, crosswalks, sidewalks or public ways, and all outdoor storage shall be screened from view from adjacent or nearby streets and properties. No additional signs are permitted except as otherwise provided herein.

2.5.3. Scientific Research. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development, may be permitted upon the issuance of a Special Permit provided the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.

## 2.6. Building or Use Permit

2.6.1. No building or structure shall be used, constructed, relocated, added to or demolished without a permit having been issued by the Building Inspector. No such permit shall be issued until such construction, alteration, or use, as proposed complies in all respects with the provisions of this Bylaw or with a decision rendered or Special Permit granted by the applicable Special Permit granting authority (SPGA) authorized by this Bylaw.

2.6.2. Plot Plan Accompanying Application

- a. Any application for a building, structure or use permit or a certificate of occupancy shall be accompanied by a plot plan in triplicate, accurately drawn to a scale of one inch = forty feet, showing the actual shape, area and dimensions of the lot to be built upon, the exact location and size of any buildings or structures already on the lot, the location of proposed alterations to and enlargements of existing buildings or structures, driveways, the location of new buildings or structures to be constructed together with the lines within which all buildings or structures are to be erected or enlarged, the existing and intended use of each building or structure and all streets and ways on or adjacent to the lot, the delineation of any Flood Plain District or Water Supply Protection District areas located within a lot, unless the plot plan includes a statement that: "No part of lot is within a Flood Plain District or Water Supply Protection District," and such other information as the Building Inspector/Zoning Enforcement Officer may determine is necessary. In the case of a building or use permit limited to interior improvements to an existing building or structure, a plot plan shall not be required.
- b. In addition, for all new buildings and structures, and all existing buildings and structures to be externally enlarged or expanded in ground area to an extent greater than 30% of internal floor areas or ground coverage, or six hundred square feet, whichever is larger, plot plans shall show existing and approved abutting street grades, the proposed elevation of the top of the foundation of existing and proposed buildings or structures, existing and proposed topography, existing septic disposal systems, private wells, wetland boundary delineations as approved by the Conservation Commission, gas, water and other public utilities in the abutting street and the zoning classification of the abutting properties. Plot plans shall also show such other information as may be necessary to provide for the verification of compliance with the applicable provisions and the enforcement of this Bylaw, including, but not limited to, off street parking, screening and fencing. Plot plans shall be certified

by a registered professional engineer or land surveyor. A record of all applications, plans, and permits shall be kept on file by the Building Inspector/Zoning Enforcement Officer.

## **2.7. Lots in Two Towns**

When a lot in one ownership is situated in part in the Town of Shirley and in part in an adjacent municipality, the provisions of this Bylaw shall be applied to that portion of the lot lying in the Town of Shirley in the same manner as if the entire lot were situated therein.

## **2.8. Protective Overlay Districts**

For any lot located in the Water Supply and Wellhead Protection District or the Flood Plain District when the regulations of said district are more restrictive than the regulations of the underlying district, the more restrictive regulations shall apply.

## **2.9. Rate of Development (Added 9-11-00; Extended 3-21-05)**

## **2.10. Dimensional Regulations; General**

Where the following terms appear in the dimensional regulations for any district, they shall be interpreted according to the following standards.

### **2.10.1. Height**

- a. **Measurement.** Height shall be measured as the vertical distance from the average ground elevation around the exterior walls of the structure to the highest point of the top story in the case of a flat roof, and to the mean height between the plate and the ridge in the case of a pitched roof, provided that the ridge of a pitched roof shall not be higher than 130% of the maximum height for the district.
- b. **Limitations.** In determining the height of a building, any floor level shall be counted as a story if it is to be used in part for sleeping rooms, or if it is higher than three (3) feet below the average ground level around the exterior walls of the structure. Limitations of height shall not apply to chimneys, ventilators, skylights, spires, tanks, antennas, solar panels, and other features of such building usually carried above roofs, provided that in a residential district such features are in no way used for living purposes.

### **2.10.2. Lot Area Computation**

In computing the area of any lot in any district, no part of a street or public way and no part of any water body or river bordering the lot shall be included.

At least sixty percent (60%) of the lot area required for minimum lot size zoning compliance, or ten thousand (10,000) square feet, whichever is greater, shall be land exclusive of any resource areas as defined by the Wetland Protection Act, M.G.L. Chapter 131, Section 40, and its corresponding regulations, 310 CMR 10.00, as of the adoption of this requirement. At least ten thousand (10,000) square feet of this "land exclusive of any resource areas" shall be contiguous.

### **2.10.3. Frontage**

- a. **Frontage; Access.** A building lot shall have frontage on and rights of access to one or more of the following for the distance required in the applicable zoning district:
  1. A way legally accepted by Town Meeting vote, or
  2. A way established by county, state, or federal authority, or
  3. A way established by a subdivision plan approved in accordance with the Subdivision Control Law, or
  4. Any other way or portion of a way in existence when the Subdivision Control Law became effective which, because of unusual conditions such as limitations upon the extent or type of land use to be served, the Planning Board, following consultation with the Public Works Director, Police Chief, Fire Chief and Board of Selectmen, has determined to be sufficient for the needs for access and utilities to serve potential needs of land abutting on or served thereby.

The Planning Board shall make such determinations with respect to the ways described in 1, 2, 3, herein above. Any determination made by the Building Inspector or Planning Board under this Section may be appealed to the Board of Appeals by any party having standing as provided in M.G.L. c.40A, Section 8.

The Town Clerk shall maintain a list of ways and portions thereof which have been determined to qualify to provide frontage under the provisions of this Section. The Planning Board may specify that its determination of adequacy applies only to given premises and not generally to all properties served by that way in cases where the limitations or other conditions justifying access adequacy for those premises are not generally true for other properties served by that way.
- b. **Frontage; Measurement.** Frontage shall be measured along a straight line connecting points of intersection of the side lot lines with the street line on which the lot is located, and with not less than the required distance between said lot lines at all points from the street line to the dwelling or main non-residential structure, except as hereafter provided in Section 4.3 for hammerhead lots.
- c. **Frontage; Dead-End Streets.** A lot on a turning circle of a dead end street may have a frontage of not less than eighty (80) feet provided that the shortest distance between side lot lines shall be at least 120 feet at every point more than thirty-five (35) feet from the street line to the dwelling or main non-residential structure.
- d. **Frontage and Setback; Corner Lot.** A lot having frontage on two (2) streets which do not intersect shall have two (2) front yards, each of which shall comply with the minimum front yard setback requirements of this

Bylaw, but needs to meet the minimum frontage requirement only with respect to one of the streets. A corner lot having frontage at the intersection of two (2) streets must have the minimum frontage on at least one of the streets and shall be deemed to have two (2) front yards, each of which shall comply with the minimum front yard setback requirements of this Bylaw; one of the remaining yards shall be a rear yard, as identified by the Building Inspector/Zoning Enforcement Officer.

- 2.10.4. Minimum Lot Width  
In any district, the minimum width of the lot at the building shall be measured as the shortest distance between side lot lines taken through each dwelling or main non-residential structure on said lot.
- 2.10.5. Irregular Lots; Side Lot Lines  
In the event of an irregularly shaped lot and a question as to the identification of the appropriate side lot lines for measurements, the matter shall be decided by the Building Inspector with the advice of the Planning Board.
- 2.10.6. Front Yard Measurements  
Front yards shall be measured from the street line to the nearest point of the front wall of any dwelling or any structure, provided that nothing shall prevent the projection of uncovered steps, cornices, window sills and other ornamental features, nor the construction of walls or fences which do not interfere with vision at the intersection of two (2) or more streets.
- 2.10.7. Building Setback; Modifications
- Where existing buildings on adjacent lots are set back less than the minimum required in the district in which they are located, a new building may be located at the average setback of the adjacent existing buildings. A vacant lot is counted as though occupied by a building set back at the minimum setback line in the district in which it is located.
  - In the Village Business, Mixed-Use, Commercial and Industrial Districts, the setback from any lot line abutting a residential district shall be a minimum of 50 feet unless a reduction is authorized by Special Permit from the Planning Board.
  - By Special Permit from the Planning Board, side lot lines may be waived for “zero lot line” design, i.e., a building in which ownership is divided along a common wall.
- 2.10.8. Accessory Buildings  
Accessory buildings shall be allowed only in side or rear yards and shall conform to the minimum setback requirements for principal buildings in the district in which they are located. Accessory buildings may be permitted in front yards, subject to minimum setback requirements, upon issuance of a Special Permit by the Zoning Board of Appeals. [Amendment passed June 16, 1988; approved by the Attorney General on Sept. 6, 1988.]
- 2.10.9. Corner Lot Road Visibility  
Within an area formed by the side lines of intersecting streets, walkways and driveways; and a line joining points on such lines twenty-five (25) feet distant from their point of intersection, or in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of three and one-half (3-1/2) feet and a height of eight (8) feet above the plane through their curb grades.
- 2.10.10. Principal Buildings
- In any Residential District, there shall not be more than one principal building on any lot except by Special Permit from the Planning Board.
  - In any Village Business, Mixed-Use, Commercial and Industrial District, a principal building may contain more than one permitted or Special Permitted use provided that the building and each of its associated uses comply with all applicable provisions of this Bylaw. More than one principal nonresidential structure may be erected on a lot when all of the following conditions are met:
    - Where required, a Special Permit for more than one principal building is issued by the Planning Board.
    - Aggregate gross floor area does not exceed the maximum gross floor area ratio for a lot in the applicable zoning district.
    - All buildings comply with the design standards set forth in Section 7, Site Plan Review.
    - No principal building shall be located in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire.
    - All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles.
    - All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the premises, and to each principal building.

### **3. DISTRICT REGULATIONS (Revised 11-01-05)**

#### **3.1. Rural Residential District**

The purposes of the Rural Residential District are to preserve agricultural and forested land, protect the Town of Shirley's natural resources, wildlife corridors and scenic landscapes, encourage farming, and provide for residential uses appropriate to a rural setting.

- 3.1.1. Use Regulations
  - a. Permitted Uses
    1. Detached single-family dwelling
    2. One in-law apartment in a single-family dwelling, subject to Section 4.10
    3. Conservation areas, reservations, or wildlife areas
    4. On five acres of land or less: Gardens; growing and storing of fruits, berries, vegetables, hay, fodder and ensilage; orchards, wood lots and forestry; or nursery and similar agricultural crop activities
    5. Residential accessory uses in accordance with Section 2.5 of this Bylaw
    6. Uses permitted in accordance with Section 2.3 of this Bylaw or otherwise exempt from zoning under M.G.L. c.40A Section 3
    7. Home professional office, home personal services, subject to Section 4.6
    8. Home business workshop, subject to Section 4.6
  - b. Uses Allowed by Special Permit from the Planning Board
    1. Low-impact development, subject to Section 4.2A
    2. Detached single-family dwelling on a hammerhead lot, subject to Section 4.3
    3. Assisted living facility or nursing home, or an assisted living facility and nursing home in a single development
    4. Conversion of a single-family dwelling existing at the time of the original adoption of this Bylaw to a two-family dwelling or a multi-family dwelling of up to three units
    5. Rooming house or boarding house for not more than four lodgers
    6. Residential accessory uses in accordance with Section 2.5
  - c. Uses Allowed by Special Permit from the Board of Appeals
    1. Golf course (not including miniature golf), ski grounds, camping areas, or swimming facilities, including the incidental sale of refreshments, if primarily for the convenience of the patrons, and of equipment customarily related to their use
    2. Cemetery
    3. Hospital, medical institution, or historic, philanthropic or charitable institution
    4. Kennel or riding stable, except that a horse farm or stable that is otherwise exempt under M.G.L. c.40A, Section 3 shall not require a Special Permit
    5. Public utility
    6. Home specialty retail, subject to Section 4.6
    7. Bed and breakfast
    8. Day or overnight outdoor recreation camp
- 3.1.2. Density and Dimensional Regulations
  - a. Minimum Lot Area:
    1. Single-family: 80,000 square feet
    2. Two-family: 100,000 square feet
    3. Multi-family: Subject to Section 4.1
    4. Other uses: 80,000 square feet
  - b. Minimum Frontage: 225 feet
  - c. Minimum Yard Setbacks:
    1. Front: 50 feet
    2. Side: 50 feet
    3. Rear: 50 feet
  - d. Lot Width: 225 feet
  - e. Building & Use Intensity
    1. Max. Height (Feet): 35 feet
    2. Maximum Number of Stories: 2.5 stories
    3. Maximum Lot Coverage: 25%
    4. Maximum Building Coverage: N/A
    5. Minimum Open Space % Lot Area: N/A

## 3.2. R-1 District

The purposes of the R-1 District are to provide for neighborhoods developed at a suburban density and scale, with a limited mix of residential uses appropriate for outlying areas in a small town.

- 3.2.1. Use Regulations
  - a. Permitted Uses
    1. Detached single-family dwelling
    2. One in-law apartment in a single-family dwelling, subject to Section 4.10
    3. Two-family dwelling, provided its appearance is not significantly different from that of a single-family dwelling

4. Rooming or boarding house for not more than four lodgers
  5. Home professional office, home personal service, subject to Section 4.6
  6. Home business workshop, subject to Section 4.6
  7. Conservation areas, reservations, or wildlife areas
  8. On five acres of land or less: Gardens; growing and storing of fruits, berries, vegetables, hay, fodder and ensilage; orchards, wood lots and forestry; or nursery and similar agricultural crop activities
  9. Residential accessory uses in accordance with Section 2.5 of this Bylaw
  10. Uses permitted in accordance with Section 2.3 of this Bylaw or otherwise exempt from zoning under M.G.L. c.40A Section 3
- b. Uses Allowed by Special Permit from the Planning Board
    1. Low-impact development, subject to Section 4.2A
    2. Assisted living facility or nursing home, or an assisted living facility and nursing home in a single development
    3. Detached single-family dwelling on a hammerhead lot, subject to Section 4.3
    4. Conversion of a single-family dwelling existing at the time of the original adoption of this Bylaw to a two-family dwelling or a multi-family dwelling of up to three units
    5. Residential accessory uses in accordance with Section 2.5
  - c. Uses Allowed by Special Permit from the Board of Appeals
    1. Golf course (not including miniature golf), ski grounds, camping areas, or swimming facilities, including the incidental sale of refreshments, if primarily for the convenience of the patrons, and of equipment customarily related to their use
    2. Cemetery
    3. Hospital, medical institution, or historic, philanthropic or charitable institution
    4. Kennel or riding stable, except that a horse farm or stable that is otherwise exempt under M.G.L. c.40A, Section 3 shall not require a Special Permit
    5. Public utility
    6. Home specialty retail, subject to Section 4.6
    7. Bed and breakfast
    8. Day or overnight outdoor recreation camp
- 3.2.2. Density and Dimensional Regulations
- a. Minimum Lot Area:
 

1. Single-family	40,000 square feet
2. Two-family	60,000 square feet
3. Multi-family	Subject to Section 4.1
4. Other uses	40,000 square feet
  - b. Minimum Frontage: 175 feet
  - c. Minimum Yard Setbacks:
 

1. Front:	40 feet
2. Side:	17 feet
3. Opposite Side:	23 feet
4. Rear:	50 feet
  - d. Lot Width: 175 feet
  - e. Building & Use Intensity
 

1. Max. Height (Feet):	35 feet
2. Maximum Number of Stories:	2.5 stories
3. Maximum Lot Coverage:	25%
4. Maximum Building Coverage:	N/A
5. Minimum Open Space % Lot Area:	N/A

### 3.3. R-2 District

The purposes of the R-2 District are to provide for traditional residential neighborhoods comprised primarily of single-family and two-family homes, in areas with an established, moderate-density development pattern near goods and services and the Town's main roads.

- 3.3.1. Use Regulations
  - a. Permitted Uses
    1. Detached single-family dwelling
    2. One in-law apartment in a single-family dwelling, subject to Section 4.10
    3. Two-family detached dwelling, provided its appearance is not significantly different from that of a single-family dwelling
    4. Rooming or boarding house for not more than four lodgers
    5. Home professional office, home personal service, subject to Section 4.6
    6. Home business workshop, subject to Section 4.6
    7. Conservation areas, reservations, or wildlife areas
    8. On five acres of land or less: Gardens; growing and storing of fruits, berries, vegetables, hay, fodder and ensilage; orchards, wood lots and forestry; or nursery and similar agricultural crop activities
    9. Residential accessory uses in accordance with Section 2.5 of this Bylaw



10. Uses permitted in accordance with Section 2.3 of this Bylaw or otherwise exempt from zoning under M.G.L. c.40A Section 3.
11. Conversion of an existing single-family dwelling to a two-family dwelling
- b. Uses Allowed by Special Permit from the Planning Board
  1. Low-impact development, subject to Section 4.2A
  2. Detached single-family dwelling on a hammerhead lot, subject to Section 4.3
  3. Infill residential uses, subject to Section 4.16
  4. Assisted living facility or nursing home, or an assisted living facility and nursing home in a single development
  5. Conversion of an existing single-family dwelling to a multi-family dwelling of three units
  6. Residential accessory uses in accordance with Section 2.5
- c. Uses Allowed by Special Permit from the Board of Appeals
  1. Cemetery
  2. Hospital, medical institution, or historic, philanthropic or charitable institution
  3. Public utility
  4. Home specialty retail, subject to Section 4.6
  5. Bed and breakfast
  6. Day or overnight outdoor recreation camp

### 3.3.2. Density and Dimensional Regulations

- a. Minimum Lot Area:
  1. Single-family 30,000 square feet
  2. Two-family 45,000 square feet
  3. Multi-family Subject to Section 4.1
  4. Other uses 30,000 square feet
- b. Minimum Frontage: 150 feet
- c. Minimum Yard Setbacks:
  1. Front: 30 feet
  2. Side: 15 feet
  3. Opposite Side: 20 feet
  4. Rear: 40 feet
- d. Lot Width: 150 feet
- e. Building & Use Intensity
  1. Max. Height (Feet): 35 feet
  2. Maximum Number of Stories: 2.5 stories
  3. Maximum Lot Coverage: 30%
  4. Maximum Building Coverage: N/A
  5. Minimum Open Space % Lot Area: N/A

## 3.4. R-3 District

The purposes of the R-3 District are to preserve and reinforce Shirley's traditionally designed, compact neighborhoods, where the established development pattern consists of a mix of moderate-density residential uses near Shirley Village.

### 3.4.1. Use Regulations

- a. Permitted Uses
  1. Detached single-family dwelling
  2. One in-law apartment in a single-family dwelling, subject to Section 4.10
  3. Conversion of an existing single-family dwelling to a two-family dwelling
  4. Two-family detached dwelling, provided its appearance is not significantly different from that of a single-family dwelling
  5. Home professional office, home personal service, subject to Section 4.6
  6. Home business workshop, subject to Section 4.6
  7. Rooming or boarding house for not more than four lodgers
  8. Conservation areas, reservations, or wildlife areas
  9. On five acres of land or less: Gardens; growing and storing of fruits, berries, vegetables, hay, fodder and ensilage; orchards, wood lots and forestry; or nursery and similar agricultural crop activities
  10. Residential accessory uses in accordance with Section 2.5 of this Bylaw
  11. Uses permitted in accordance with Section 2.3 of this Bylaw or otherwise exempt from zoning under M.G.L. c.40A Section 3
- b. Uses Allowed by Special Permit from the Planning Board

1. Multi-family housing, subject to Section 4.1
2. Infill residential uses, subject to Section 4.16
3. Assisted living facility or nursing home, or assisted living facility and nursing home in a single development
4. Residential accessory uses in accordance with Section 2.5
5. Detached single-family dwelling on a hammerhead lot, subject to Section 4.3
- c. Uses Allowed by Special Permit from the Board of Appeals
  1. Cemetery
  2. Hospital, medical institution, or historic, philanthropic or charitable institution
  3. Public utility
  4. Home specialty retail, subject to Section 4.6
  5. Bed and breakfast

3.4.2. Density and Dimensional Regulations

- a. Minimum Lot Area:
  1. Single-family 15,000 square feet
  2. Two-family 19,000 square feet
  3. Multi-family Subject to Section 4.1
  4. Other uses 15,000 square feet
- b. Minimum Frontage: 100 feet
- c. Minimum Yard Setbacks:
  1. Front: 25 feet
  2. Side: 15 feet
  3. Opposite Side: 20 feet
  4. Rear: 30 feet
- d. Lot Width: 100 feet
- e. Building & Use Intensity
  1. Max. Height (Feet): 35 feet
  2. Maximum Number of Stories: 2.5 stories
  3. Maximum Lot Coverage: 40%
  4. Maximum Building Coverage: 15%
  5. Maximum Gross Floor Area: 35%
  6. Minimum Open Space % Lot Area: N/A

### 3.5. Shirley Village Business District

The purposes of the Shirley Village Business District are to reinforce and enhance Shirley Village as the town's primary commercial center, to develop and sustain a vital local economy, to provide goods and services that meet the needs of local residents and workers, and to provide a traditional village that encourages people to live and work in Shirley.

3.5.1. Use Regulations

- a. Permitted Commercial Uses. The following uses are permitted, up to a maximum net floor area per individual business establishment of 3,500 square feet:
  1. Retail store, except retail uses requiring a Special Permit under Subsection 3.5.1.c
  2. Retail sale of baked goods, and manufacture of same for sale on the premises
  3. Professional or business office
  4. Bank
  5. Banking or Automated Teller Machine, where public access is available only from within a building and is operated in connection with other uses in the same building
  6. Restaurant for the serving of food or beverages inside the premises or outside but on the premises, such as at tables on an adjoining deck or patio, but not including drive-through service
  7. Take-out food establishment or delicatessen where food is prepared and sold retail but not consumed on the premises, but not including drive-through service
  8. Personal service, such as a barber and beauty shop, laundry agency, shoe and hat repair, bicycle and household appliance repair, dressmaking, dry cleaning and pressing or tailor shop where no work is done on the premises for retail outlets elsewhere
  9. Shop for custom work involving the manufacture of articles to be sold on premises; or shop and display area of an upholsterer, cabinet-maker or similar crafts person receiving customers on the premises

10. Museum or other cultural establishment
11. Bed and breakfast
12. Accessory uses customarily incidental to a permitted commercial use, in accordance with Section 2.5 of this Bylaw
- b. Permitted Residential and Accessory Uses:
  1. Up to two dwelling units above the ground floor of a building occupied principally by permitted commercial uses
  2. Conversion of an existing single-family dwelling to a two-family dwelling
  3. Conversion of an existing single-family dwelling to a multi-family dwelling of three units
  4. Congregate elderly housing, up to eight units in a single building
  5. Rooming or boarding house for not more than four lodgers
  6. Home professional office, home personal service, subject to Section 4.6
  7. Home business workshop, subject to Section 4.6
  8. Home specialty retail, subject to Section 4.6
- c. Uses Allowed by Special Permit from the Planning Board:
  1. For permitted commercial uses, occupancy by an individual business establishment of more than 3,500 square feet but in no event more than 7,500 square feet of net floor area
  2. Permitted or Special Permitted commercial uses or mixed-uses in more than one principal building on the same lot
  3. More than two dwelling units above the ground floor of a building used principally for permitted commercial uses
  4. Drive-through service for a permitted commercial use such as a bank, but not including food service establishments
  5. Indoor recreation or amusement facility
  6. Video tape rental and sales, and rental and sales of related equipment
  7. Laundromat
  8. Multi-family housing, subject to Section 4.1
  9. Two-family detached dwelling, provided its appearance is not significantly different from that of a single-family dwelling
  10. Accessory uses customarily incidental to Special Permitted commercial or residential uses, in accordance with Section 2.5 of this Bylaw.

### 3.5.2. Density and Dimensional Regulations

- a. Minimum Lot Area:
 

1. Single-family	15,000 square feet
2. Two-family	15,000 square feet
3. Multi-family	Subject to Section 4.1
4. Other uses	10,000 square feet
- b. Minimum Frontage: 60 feet
- c. Minimum Yard Setbacks:
 

1. Front:	N/A
2. Side:	N/A
3. Rear:	15 feet
- d. Maximum Front Yard Setback: 20 feet
- e. Lot Width: 60 feet
- f. Building & Use Intensity
 

1. Max. Height (Feet):	45 feet
2. Maximum Number of Stories:	3 stories
3. Maximum Lot Coverage:	85%
4. Maximum Building Coverage:	20%
5. Maximum Floor Area Ratio:	.60
6. Minimum Open Space % Lot Area:	15%

## 3.6. North Shirley Village Business District

The purposes of the North Shirley Business District are to encourage a limited range of small-scale, low-impact commercial uses that serve a predominantly local clientele, to protect an environmentally sensitive area, to avoid the appearance and hazards of a strip commercial area, to discourage “big-box” development, and to encourage small businesses to locate and stay in Shirley.

### 3.6.1. Use Regulations

- a. Permitted Commercial Uses. The following uses are permitted, up to a maximum net floor area per individual business establishment of 2,500 square feet:
  1. Specialty retail store, such as a bookstore, music store, handicrafts, stationery and printed matter, supplies, clothing and clothing accessories, or antiques, but not a general merchandise store
  2. Ice cream or candy shop
  3. Retail sale of baked goods and manufacture of same for sale on the premises

4. Personal service, such as a barber and beauty shop, shoe and hat repair, dressmaking, tailor shop where no work is done on the premises for retail outlets elsewhere
5. Banking or Automated Teller Machine, where public access is available only from within a building and is operated in connection with other uses in the same building
6. Shop for custom work involving the manufacture of articles to be sold on premises; or shop and display area of an upholsterer, cabinet-maker or similar craftsperson receiving customers on the premises
7. Professional or business office
8. Bed and breakfast
9. Accessory uses customarily incidental to a permitted commercial use, in accordance with Section 2.5
- b. Permitted Residential and Accessory Uses
  1. Dwelling combined with a permitted commercial use
  2. Conversion of an existing single-family dwelling to a two-family dwelling
  3. Conversion of an existing single-family dwelling to a multi-family dwelling of three units
  4. Home professional office, home personal service, subject to Section 4.6
  5. Home business workshop, subject to Section 4.6
  6. Home specialty retail, subject to Section 4.6
- c. Uses Allowed by Special Permit from the Planning Board
  1. For permitted commercial uses, occupancy by an individual business establishment of more than 2,500 square feet, but in no event more than 5,000 square feet
  2. Permitted or Special Permitted commercial uses or mixed-uses in more than one principal building on the same lot
  3. More than one dwelling unit in a building occupied principally by commercial uses
  4. Detached single-family dwelling
  5. Two-family detached dwelling, provided its appearance is not significantly different from that of a single-family dwelling
  6. Accessory uses customarily incidental to a Special Permitted commercial or residential use, in accordance with Section 2.5

### 3.6.2. Density and Dimensional Regulations

- a. Minimum Lot Area:
  1. Single-family 20,000 square feet
  2. Two-family 25,000 square feet
  3. Multi-family Subject to Section 4.1
  4. Other uses 20,000 square feet
- b. Minimum Frontage: 100 feet
- c. Minimum Yard Setbacks:
  1. Front: 20 feet
  2. Side: 15 feet
  3. Opposite Side: 30 feet
  4. Rear: 50 feet
- d. Maximum Front Yard Setback: 40 feet
- e. Lot Width: 100 feet
- f. Building & Use Intensity
  1. Max. Height (Feet): 35 feet
  2. Maximum Number of Stories: 2.5 stories
  3. Maximum Lot Coverage: 65%
  4. Maximum Building Coverage: 18%
  5. Maximum Floor Area Ratio: .45
  6. Minimum Open Space % Lot Area: 35%

## 3.7. Great Road West Mixed-Use District

The purposes of the Great Road-West Mixed Use District are to encourage the development of a small, economically viable village node with low-impact uses, to provide a limited mix of goods and services to local residents, and to protect an environmentally sensitive area.

### 3.7.1. Use Regulations

- a. Permitted Commercial Uses. The following uses are permitted, up to a maximum net floor area per individual business establishment of 5,000 square feet:
  1. Retail store
  2. Retail sale of baked goods and manufacture of same for sale on the premises
  3. Personal service, such as a barber and beauty shop, shoe and hat repair, dressmaking, tailor shop where no work is done on the premises for retail outlets elsewhere
  4. Restaurant for the serving of food or beverages inside the premises or outside but on the premises, such as at tables on an adjoining deck or patio, excluding drive-through service
  5. Shop for custom work involving the manufacture of articles to be sold on premises; or shop and display area of an upholsterer, cabinet-maker or similar craftsperson receiving customers on the premises

6. Banking or Automated Teller Machine, where public access is available only from within a building and is operated in connection with other uses in the same building
7. Professional or business office
8. Accessory uses customarily incidental to a permitted commercial use, in accordance with Section 2.5
- b. Permitted Residential and Accessory Uses
  1. Dwelling combined with a permitted commercial use
  2. Up to two dwelling units above the ground floor of a building occupied principally by permitted commercial uses
  3. Home professional office, home personal service, subject to Section 4.6
  4. Bed and breakfast
- c. Uses Allowed by Special Permit from the Planning Board
  1. For permitted commercial uses, occupancy by an individual business establishment of more than 5,000 square feet, but in no event more than 7,500 square feet of net floor area
  2. Permitted or Special Permitted commercial uses or mixed-uses in more than one principal building on the same lot
  3. Multi-family housing, subject to Section 4.1
  4. A grocery store or supermarket, not exceeding 80,000 square feet of net floor area
  5. Assisted living facility
  6. Detached single-family dwelling
  7. Accessory uses customarily incidental to a Special Permitted commercial or residential use, in accordance with Section 2.5
  8. Private and commercial communication towers and antennas for radio, television, and/or wireless telecommunications, subject to Section 4.15

### 3.7.2. Density and Dimensional Regulations

- a. Minimum Lot Area:
  1. Single-family 20,000 square feet
  2. Two-family 30,000 square feet
  3. Multi-family Subject to Section 4.1
  4. Other uses 40,000 square feet
- b. Minimum Frontage: 100 feet
- c. Minimum Yard Setbacks:
  1. Front: 20 feet
  2. Side: 15 feet
  3. Opposite Side: 30 feet
  4. Rear: 50 feet
- d. Maximum Front Yard Setback: 40 feet
- e. Lot Width: 100 feet
- f. Building & Use Intensity
  1. Max. Height (Feet): 35 feet
  2. Maximum Number of Stories: 2.5 stories
  3. Maximum Lot Coverage: 60%
  4. Maximum Building Coverage: 20%
  5. Maximum Floor Area Ratio: .45
  6. Minimum Open Space % Lot Area: 40%

## 3.8. Great Road East Mixed-Use District

The purposes of the Great Road-East Mixed-Use District are to provide for a mix of housing and a range of small- to medium-scale commercial businesses in a gateway area along Route 2A.

### 3.8.1. Use Regulations

- a. Permitted Commercial Uses. The following uses are permitted, subject to a maximum net floor area per individual business establishment of 5,000 square feet:
  1. Retail store
  2. Retail sale of baked goods and manufacture of same for sale on the premises
  3. Professional or business office
  4. Bank, including drive-through service
  5. Restaurant for the serving of food or beverages inside the premises or outside but on the premises, such as at tables on an adjoining deck or patio, excluding drive-through service
  6. Take-out food establishment or delicatessen where food is prepared and sold at retail but not consumed on the premises, excluding drive-through service
  7. Shop for custom work involving the manufacture of articles to be sold on premises; or shop and display area of an upholsterer, cabinet-maker or similar craftsman receiving customers on the premises
  8. Dry cleaning and pressing or tailor shop, but not including work done on the premises for retail outlets elsewhere
- b. Permitted Residential and Accessory Uses

1. Dwelling combined with a permitted commercial use
2. Up to two dwelling units above the ground floor of a building occupied principally by permitted commercial uses
3. Home professional office, home personal service, subject to Section 4.6
4. Bed and breakfast
- c. Uses Allowed by Special Permit from the Planning Board
  1. For permitted commercial uses, occupancy by an individual business establishment of more than 5,000 square feet, but in no event more than 10,000 square feet
  2. Permitted or Special Permitted commercial uses or mixed-uses in more than one principal building on the same lot
  3. Multi-family housing, subject to 4.1
  4. Veterinary clinic or animal hospital
  5. Private and commercial communication towers and antennas for radio, television, and/or wireless telecommunications, subject to Section 4.15

### 3.8.2. Dimensional and Use Intensity Regulations

- a. Minimum Lot Area:
  1. Single-family 20,000 square feet
  2. Two-family 30,000 square feet
  3. Multi-family Subject to Section 4.1
  4. Other uses 40,000 square feet
- b. Minimum Frontage: 100 feet
- c. Minimum Yard Setbacks:
  1. Front: 20 feet
  2. Side: 15 feet
  3. Opposite Side: 30 feet
  4. Rear: 50 feet
- d. Maximum Front Yard Setback: 40 feet
- e. Lot Width: 100 feet
- f. Building & Use Intensity
  1. Max. Height (Feet): 35 feet
  2. Maximum Number of Stories: 2.5
  3. Maximum Lot Coverage: 65%
  4. Maximum Building Coverage: 20%
  5. Maximum Floor Area Ratio: .45
  6. Minimum Open Space % Lot Area: 35%

## 3.9. Lancaster Road Commercial District

The purposes of the Lancaster Road Commercial District are to provide for a broad mix of retail, service and light industrial uses in the southern end of town, including businesses that serve highway travelers and commuters.

### 3.9.1. Use Regulations

- a. Permitted Commercial Uses. The following uses are permitted, up to a maximum net floor area per individual business establishment of 10,000 square feet:
  1. Retail store
  2. Professional or business office
  3. Restaurant, take-out food service establishment or delicatessen, excluding drive-through service
  4. Barber or beauty shop
  5. Dry cleaning and pressing or tailor shop, but not including work done on the premises for retail outlets elsewhere
  6. Business service establishment
  7. Banking machine, as a stand-alone structure, or where public access is available only via a drive-up windows or from outside a building
  8. Shop of an electrician, painter, paper-hanger, plumber, upholsterer, carpenter, cabinet-maker or for general appliance repair
  9. Shop for custom work involving the manufacture of articles to be sold on premises; or shop and display area of an upholsterer, cabinet-maker or similar craftsperson receiving customers on the premises
  10. Accessory uses customarily incidental to a permitted commercial use, in accordance with Section 2.5 of this Bylaw
- b. Uses Allowed by Special Permit from the Planning Board
  1. For permitted commercial uses, occupancy by an individual business establishment of more than 10,000 square feet, but in no event more than 40,000 square feet of net floor area
  2. Hotel, inn
  3. Sale of automobiles and trucks, accessories, farm equipment, aircraft, motorcycles, and camping trailers

4. Veterinary clinic or animal hospital
5. Auto filling station, including auto repair or service as an accessory use, provided that there is no storage of automobiles on the premises other than those in the process of or awaiting repair or awaiting delivery or pickup after repair
6. Drive-through for restaurant or food-service establishment
7. Dry cleaning and pressing or tailor shop that may include work done on the premises for retail outlets elsewhere
8. Laundromat
9. Commercial parking lot
10. Commercial sports or recreation facility, indoor or outdoor
11. Contractor's yard
12. Accessory uses customarily incidental to a Special Permitted commercial use, in accordance with Section 2.5 of this Bylaw
13. Private and commercial communication towers and antennas for radio, television, and/or wireless telecommunications, subject to Section 4.15

3.9.2. Density and Dimensional Regulations

- a. Minimum Lot Area (All Uses): 20,000 square feet
- b. Minimum Frontage: 100 feet
- c. Minimum Yard Setbacks:
  1. Front: 20 feet
  2. Side: 15 feet
  3. Opposite Side: 30 feet
  4. Rear: 25 feet
- d. Maximum Front Yard Setback: 40 feet
- e. Lot Width: 100 feet
- f. Building & Use Intensity
  1. Maximum Height: 45 feet
  2. Maximum Number of Stories: 3 stories
  3. Maximum Lot Coverage: 75%
  4. Maximum Building Coverage: 25%
  5. Maximum Floor Area Ratio: .60
  6. Minimum Open Space % Lot Area: 25%

### 3.10. Industrial District

3.10.1. Use Regulations

- a. Permitted Industrial Uses:
  1. Research, experimental and testing lab
  2. Light manufacturing and manufacturing which is incidental to research, experimental and testing laboratories, whether enclosed or otherwise
  3. Enclosed manufacturing
  4. Assembly, fabrication, processing, printing, wholesaling and distribution, warehousing and interior storage, but not including a commercial storage facility
  5. Exterior storage, as an accessory use, exclusive of junk cars or other junk items, provided that the exterior storage is screened from view, by a fence or appropriate landscaping, from abutting streets or properties
  6. Beverage bottling or food packaging plant, but not including meat and fish processing
  7. Plant for dry cleaning, cold storage or freezing
  8. Above-ground storage of gas and petroleum products
  9. Commercial parking lot
  10. Professional or business office
  11. Gasoline service stations and automobile repair shops (not including junkyards) providing that there shall be no storage of automobiles on the premises other than those in the process of awaiting repair, awaiting delivery, or pickup after repair
  12. Public utility
  13. Accessory industrial uses
- b. Uses Allowed by Special Permit from the Planning Board
  1. Private and commercial communication towers and antennas for radio, television, and/or wireless telecommunications, subject to Section 4.15
- c. Uses Allowed by Special Permit from the Board of Appeals
  1. Commercial sports or recreation facility, indoor or outdoor

3.10.2. Density and Dimensional Regulations

- a. Minimum Lot Area: 60,000 square feet
- b. Minimum Frontage: 100 feet
- c. Minimum Yard Setbacks:

- |    |                                |           |
|----|--------------------------------|-----------|
| 1. | Front:                         | 30 feet   |
| 2. | Side:                          | 15 feet   |
| 3. | Rear:                          | 50 feet   |
| d. | Lot Width:                     | 100 feet  |
| e. | Building & Use Intensity       |           |
| 1. | Max. Height (Feet):            | 45 feet   |
| 2. | Maximum Number of Stories:     | 3 stories |
| 3. | Maximum Lot Coverage:          | 75%       |
| 4. | Maximum Building Coverage:     | 30%       |
| 5. | Maximum Floor Area Ratio:      | .90       |
| 6. | Minimum Open Space % Lot Area: | 25%       |

## 5. Off-Street Parking and Loading (Revised 11-01-05)

### 5.1. Applicability

- 5.1.1. No building or structure constructed hereafter shall be used or shall be changed to a greater category of parking demand as described in Section 5.5, Table of Off-Street Parking Requirements, except in compliance with this Bylaw.
- 5.1.2. Any building, structure or land use with its associated parking, if any, which was existing or lawfully begun or for which a permit was issued prior to November 1, 2005 may continue its permitted operation or may be changed to a use within the same or lesser category of parking demand without having to conform to these Off-Street Parking and Loading Requirements. However, any building or structure or land use which changes its operation to a category of greater parking demand as described in Section 5.5 must comply.
- 5.1.3. Where an existing building or structure has been damaged or destroyed by fire or other disaster, and reconstructed to the same size or lesser size as previously existed, the parking facilities which serve that building or structure may remain the same size and dimensions as previously existed, and continue, even though they do not conform to the requirements of this section, provided the building is not changed to a category of greater parking demand as listed in Section 5.5.
- 5.1.4. No existing off-street parking spaces shall be eliminated if their removal would cause the total number of spaces provided on a site to be less than the number required by this Section.

### 5.2. Compliance with Off-Street Parking and Loading Regulations

The Planning Board shall determine compliance with the Off-Street Parking and Loading requirements during Site Plan Review under Section 7. For projects that are exempt from Site Plan Review, the Building Inspector shall determine whether a site provides sufficient parking for the proposed use(s).

### 5.3. Design Standards for Off-Street Parking

- 5.3.1. Parking Space Dimensions
  - a. For the purpose of this regulation, an off-street parking space or parking stall is an all-weather, surfaced area having a width of not less than nine (9) feet and a length of not less than eighteen (18) feet for angle parking or twenty-two (22) feet for parallel parking. The length required shall be measured on an axis parallel with the vehicle after it is parked. The required areas, other than those serving one- and two-family dwellings, are to be exclusive of driveways and shall be permanently reserved for the temporary parking of one automobile, and shall be connected with a street or public right-of-way by an all-weather surfaced driveway. In the case of single-family and two-family dwellings, all-weather surfaces shall not be required.
  - b. In parking lots containing more than 35 parking spaces, ten percent (10%) of the required parking spaces may be designed for small-car use. Small-car parking spaces shall be not less than nine feet in width and not less than 16 feet in length, and they shall be grouped in one or more contiguous areas and identified by appropriate signage.
- 5.3.2. Location of Required Parking Spaces
  - a. Except as provided hereunder, required parking spaces shall normally be located on the same lot as the building or use they serve. However, the Planning Board may grant a special permit to allow use of parking facilities not on the same lot, provided that the Board determines, in consultation with the Building Inspector and Police Department, that proper provision is made to insure pedestrian and traffic safety and that the purposes of these Off-Street Parking Requirements are served.
  - b. Land in a residential district shall not be used for off-street parking accessory to or to service a structure or use in a non-residential district.
  - c. Except for parking within an enclosed structure, e.g., a parking garage, no parking space shall be located within eight feet of a building wall. Loading docks are exempt from this requirement.
  - d. In the Village Business, Mixed-Use and Commercial Districts, off-street parking for uses other than detached single-family or two-family homes shall be located in the rear and to the side of buildings, except that no side yard parking shall be located within 20 feet of the front elevation of a building. A development involving the renovation or redevelopment of existing buildings will not be required to conform to this requirement if the proposed uses are within the same or lesser category of parking demand. However, any building or structure or



- land use which changes its operation to a category of greater parking demand, as outlined in Section 5.5, must comply. All new construction must comply.
- e. Shared parking is encouraged and shall conform to the most recent Institutes of Traffic Engineers (ITE) standards for shared parking. The Planning Board may authorize a decrease of up to twenty-five-percent in total required parking spaces for developments served by shared parking.
- 5.3.3. Construction of Parking Spaces. Except for single-family or two-family residences, all required parking spaces shall be marked by painted lines, curbs or other means to indicate individual spaces. Signs or markers painted or provided and maintained in good condition shall be used as necessary to assure efficient traffic flow within the lot.
- 5.3.4. Loading Spaces. Any use to which or from which outside deliveries of materials or dispatches of materials are to be made by motor transport and totaling 8,000 square feet or more in floor area constructed, reconstructed, or enlarged after the effective date of this section of the Bylaw shall have on the lot one permanently maintained loading space and one additional loading space for each additional 16,000 square feet of floor area or major portion thereof, excluding basements.
- 5.3.5. Access Driveways
- a. Except for single-family and two-family homes, parking areas containing fewer than 5 spaces shall have a minimum width of entrance and exit drives of 10 feet for one-way use and 18 feet for two-way use. For facilities containing five or more spaces, such drives shall be a minimum of 12 feet wide for one-way use and 22 feet wide for two-way use. The minimum curb radius shall be 15 feet. The maximum width of such driveways at the property line shall be 24 feet. The Planning Board may modify these width and radius limitations to facilitate traffic flow and safety.
- b. Entrance and exit driveways will be located so as to provide for safe access and egress to the parcel being served and to protect pedestrian and bicycle safety. In addition, evidence that the necessary driveway permits will be issued by either the Shirley Department of Public Works for town-controlled roads or Massachusetts Highway Department for state-controlled roads must be presented before a building permit may be issued.
- c. The Town prefers shared access drives serving adjacent non-residential or mixed-use parcels, with shared parking located behind buildings. The Town recognizes that if a Curb Cut Permit is required from the Massachusetts Highway Department, the construction, width and number of driveways must conform to the Massachusetts Highway Department standards. However, the Town expects applicants for Site Plan Review to make every reasonable effort to establish shared driveway access in a manner that will satisfy Massachusetts Highway Department standards.
- d. No driveway shall be located closer than twenty-five (25) ft. to any street intersection measured along the street lines. In any non-residential district, no two driveways on the same lot shall be located closer than twenty-five (25) feet to each other at their closest limits.
- e. No lot having less than 200 feet of street frontage shall have more than two (2) driveway entrances and/or exits on each street abutting the lot
- f. No access aisle, entrance or exit driveway shall be located within five feet of a building
- 5.3.6. Interior Lanes and Driveways
- a. Interior drives shall be of adequate width to serve a particular design arrangement of parking spaces, the following being the minimum width permitted.
1. For 90 degree to 61 degree parking, driveway width shall be at least 24 feet.
  2. For 60 to 46 degree parking, driveway width shall be at least 18 feet
  3. For 45 to 30 degree parking, driveway width shall be at least 15 feet
  4. For parallel parking, driveway width shall be at least 15 feet
- b. Ninety degree (90 degree) or parallel parking shall be used in all off-street parking lots unless there is positive control of traffic directions. Parking at angles at less than thirty degrees (30 degrees) is prohibited except for parallel parking. The minimum width of any interior driveway serving an off-street parking area shall be fifteen (15) feet.
- 5.3.7. Pedestrian Walkways
- a. Crosswalks shall be provided in appropriate locations and shall be clearly recognizable through the use of raised, textured or color treated surfaces in order to aid pedestrians in crossing traffic within the lot.
- b. Any off-street parking area located in front of a building shall be separated from it by a paved walk at least eight (8) feet wide with a seven (7) inch high safety curb located along the front of the building, or other safety devices as the Planning Board may specify.
- c. Where an entrance or exit normally used by the public exists along an exterior side or rear wall (except fire doors and loading areas), such entrance or exit shall be provided with a paved walk at least four (4) feet wide with a seven (7) inch high safety curb extending at least six feet along the building on either side of such entrance or exit.
- 5.3.8. Surface Treatments, Grades and Drainage
- a. Off-street parking and loading areas should be surfaced with asphalt, bituminous, cement, or another properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.
- b. Pervious or semi-pervious surfaces such as grass pavers are encouraged wherever possible, particularly in overflow parking areas. However, drainage calculations must assume that all such areas are impervious in order to assure adequacy of drainage design in the event that they are resurfaced with asphalt in the future.
- c. Parking areas used for parking and vehicle maneuvering shall have grades not to exceed five (5) percent slope.

- d. Driveways used exclusively for ingress or egress or interior parking lot circulation shall have slopes not exceeding twelve (12) percent except within thirty (30) feet of the road, in which case the slope shall not exceed five (5) percent.

#### 5.3.9.

##### Landscaping and Screening Requirements

Any parking lot containing ten (10) or more parking spaces shall include landscaping which, in the opinion of the Planning Board, is located and designed to enhance the visual appearance of the parking or loading facility, to ensure traffic safety and to minimize the adverse effects of the parking or loading facility on the natural environment. Such landscaped areas shall not be less in area than five percent (5%) of the total area of the parking lot and shall be in addition to any minimum open space required under the dimensional and density regulations of the applicable zoning district. The following standards shall be addressed in meeting the minimum landscaping requirement.

##### a. Buffer areas

1. Any off-street parking or storage area serving a use other than one (1) and two (2) family dwellings and which abuts residentially zoned land shall be separated from the adjoining land by a continuous buffer area of at least twenty-five (25) feet.
  - (a) The buffer area shall be sufficiently landscaped and maintained with drought-tolerant, indigenous non-invasive species so as to create an effective year-round visual screen at least six (6) feet in height to insulate the residentially zoned land from the off-street parking area.
  - (b) Trees planted in this buffer area shall be at least six (6) feet in height and not less than two (2) inches in diameter at breast height immediately after planting. By special permit, the Planning Board may allow the use of a fence, wall or other non-living structure to achieve the purpose of this buffer, provided it is determined to be a more effective and suitable buffer than could be provided with living materials.
2. At minimum, all off-street parking and loading areas except those serving one- and two- family dwellings shall be separated from adjacent properties by a four (4) foot buffer strip planted with grass or similar ground cover. However, where adjacent parcels agree to share a common parking area with a common entrance and exit, the Planning Board may approve eliminating the minimum four (4) foot buffer on all common property lines.
3. For vegetated swales located within a buffer area, the Planning Board may approve alternative buffer dimensions and buffer design standards than those specified under (1) and (2) above.
4. The Town prefers that wherever possible, existing natural vegetation and landforms are protected and incorporated into the buffer area. Major trees and outlines of wooded areas shall be shown on the required Site Plan.

##### b. Interior landscaping

1. Off-street parking areas that cover twenty (20) percent or more of the total site area shall have at least ten (10) square feet of interior landscaping for each parking space. As used herein, "interior landscaping" shall be defined as landscaped islands or areas, exclusive of any other landscaping or buffer areas required elsewhere in these Off-Street Parking Requirements, which are contained within or project into the paved off-street parking area.
  - (a) Each separate landscaped area shall contain a minimum of one hundred (100) square feet, shall have a minimum dimension of at least five (5) feet, shall be planted with grass or low shrubs, and shall include at least one deciduous tree of not less than two (2) inches in diameter at breast height and at least six (6) feet in overall height immediately after planting.
  - (b) Each such island shall have a five (5) inch curb and may be used to locate hydrants within a parking area.
  - (c) Whenever possible, such interior landscaping shall be located so as to channel pedestrian and vehicular traffic safely and efficiently.
2. For off-street parking areas covering less than 20% of the total site area, interior landscaping shall include at least one deciduous tree for each eight parking spaces, each tree to be not less than two (2) inches in diameter and at least six (6) feet in overall height immediately after planting.
3. The Planning Board may approve modifications to the above requirements for any interior landscaped areas or islands that serve as vegetated swales or bioretention cells. The number, dimensions and landscaping specifications for bioretention cells shall be determined by the Planning Board during its review of a proposed drainage plan under Site Plan Review.

##### c. Landscaping adjacent to right of way

1. Except for parking that serves single-family and two-family uses, off-street parking areas shall have a continuous landscaped strip adjacent to the right-of-way line of any existing, proposed, paper, public, or private street, or state highway. The landscaped strip shall not be less than ten (10) feet wide.
2. Wherever possible, the landscaped strip should be located between the sidewalk in front of the parcel and the road in order to create a sense of enclosure for pedestrians. In these cases, the Planning Board may approve a reduction in width of the landscaped strip in order to accommodate both a wide sidewalk and landscaping within the front yard setback.
3. Trees to be planted shall be a minimum of 2 1/2 inches in caliper six feet above grade, be of a species common in Shirley, tolerant of future site conditions and reach an ultimate height of at least 30 feet.

## 5.4. Lighting

Adequate lighting shall be provided in lots of more than ten (10) spaces if off-street parking spaces are to be used at night. However, minimum security lighting must be provided in all lots serving other than one-and two-family residential dwellings. The lighting shall be arranged and installed to minimize glare on adjacent property. If property is not to be used at night, a note to that effect shall be indicated on the plan.

## 5.5. Table of Off-Street Parking Requirements

USE	REQUIRED NUMBER OF SPACES
<b>Residential Uses</b>	
Detached single-family or two-family dwelling	2 spaces per unit
Multi-family dwelling	1 space per studio unit 1.5 spaces per one-bedroom unit 2 spaces per unit with two or more bedrooms
Assisted living facility	.5 space per unit 1 space per employee on the largest shift
Nursing home	1 space for each 6 patient accommodations, plus 1 space for each 2 employees on the largest shift
Congregate living residence	1 space per unit
Senior residence (over-55) unit	1.5 spaces per unit
Accessory dwelling unit	1 space per unit in addition to spaces required for principal dwelling
Home occupation	As required for the particular occupation and use, in addition to required spaces for the dwelling unit
<b>Commercial &amp; Institutional Uses</b>	
Restaurant, bar	1 space per three seats or 1 space per 50 square feet of public floor area, <sup>1</sup> plus 1 space for every two employees on the largest shift
Retail store	3 spaces per 1,000 square feet for the first 10,000 square feet of gross square floor area (GFA). 2.5 spaces per 1,000 square feet for between 10,001-12,500 square feet GFA 2 spaces per 1,000 square feet for GFA over 12,500
Personal or business service establishment	1 space per 250 square feet GFA
Professional or business office	1 space per 400 square feet GFA
Bank, financial institution	1 space per 250 square feet GFA
Hotel or motel	1 space per sleeping room, and 1 space for every 3 employees on the largest shift. For hotel or motel with conference and/or restaurant space, add 1 per 200 square feet of restaurant and function room floor area combined
Place of assembly with fixed seating, such as a church, stadium, assembly hall	1 space for every three seats or, when benches are used, 1 space per eight linear feet of bench
Museum	1 space per 80 square feet of public floor area
All other places of public assembly	1 space for every five occupants as determined by the State Building Code
Theatre, cinema	1 space for every 3 seats for single-screen theaters; for theaters with more than one screen, 1 space for every 5 seats
Library	1 space per 1,000 square feet GFA
Hospital	1 space for each two beds plus 1 space for each 2 employees on the largest shift
Funeral home	1 space per sixty (60) square feet of public area in addition to spaces required for residence, where applicable
Bowling alley	4 spaces per each alley
Other commercial uses	The greater of 1 space per three employees or 1 space per 300 square feet GFA
<b>Industrial Uses</b>	

<sup>1</sup> “Public area” means the area reserved for actual consumption of food and beverages by the general public.

USE	REQUIRED NUMBER OF SPACES
Office for administrative, executive, professional, medical sales and other similar uses, the normal operation of which does not involve retailing activities on the premises	Minimum 1 per 300 square feet GFA. Maximum 1 per 200 square feet GFA.
Laboratory for scientific, industrial research, research & development, or biomedical research & technology	Minimum 1 per 400 square feet GFA Maximum 1 per 300 square feet GFA
Wholesale warehouse, truck freight terminal or storage warehouse	Minimum 1 per 1,500 square feet GFA Maximum 1 per 1,000 square feet GFA
Light industrial use, including manufacturing, storage, processing, fabrication, packaging and assembly	1 per 500 square feet GFA
Printing, publishing, or copying facilities	1 per 500 square feet GFA
Public utility building or structure	1 per 500 square feet GFA

5.5.1. Notes to Table of Off-Street Parking Requirements

a. Interpretation

1. The parking required herein is in addition to space for storage of trucks or other vehicles used in connection with a business, commercial or industrial use.
2. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
3. The parking space requirements for a use not specifically listed in this section shall be as specified by the Building Inspector based on a listed use of similar characteristics of parking demand generation.
4. For mixed uses in an individual building up to 5,000 square feet of gross floor area or a parcel of land used for two or more principal uses that fall into different classes of use, i.e., uses with different parking requirements occupying the same building or premises, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
5. For buildings of more than 5,000 square feet of gross floor area that accommodate several distinct principal uses, such as a small shopping center or a retail building with upper-story offices, the total amount of required parking may be reduced by 25% for each additional 5,000 square feet of floor area.
6. Where a single parking area contains more than 400 adjoining parking spaces intended to serve more than one establishment dedicated to the retail sale of products or services to the general public, the total number of parking spaces required in excess of 400 may be reduced by 25%.
7. As used in Section 5.5, gross floor area (GFA) shall mean the total floor area of all floors, including basements, within the perimeter of the outside walls of the building under consideration, with no deduction for hallways, stairs, closets, thickness of walls, columns or other features. However, where a basement is used only for storage and not accessible to the public only one-fourth of such area need be included in the calculation of gross floor area.
8. In a non-residential district where outside sales or storage space is provided, the square foot area shall be added to the gross floor area for the purpose of calculating the required number of parking spaces.

- b. Exceptions for Shirley Village Business District. In the Shirley Village Business District, the Planning Board may grant a Special Permit to reduce the number of parking spaces by up to twenty five (25%) percent of the requirement of Section 5.5 when the Planning Board, with the concurrence of the Building Inspector and Police Department, determines that sufficient public or on-street parking spaces exist within close proximity of such activity to supplement its parking needs. In addition, the Planning Board may waive all or part of these Off-Street Parking and Loading Requirements in the Shirley Village Business District if the Board determines that a reasonable effort has been made to meet the requirements and no additional spaces can be provided on a site.